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*Attorneys for Central Washington Asphalt,
Inc., Donald Hannon, James Wentland
and Jerry Goldsmith*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

WILLIAM TERRELL, Guardian Ad Litem for
QUENTIN SLAGOWSKI, a minor, ANIKA
SLAGOWSKI, a minor, and ROWAN
SLAGOWSKI, a minor; the ESTATE OF JON
MICHAEL SLAGOWSKI, by and through its
personal representative, PATRICIA DEAN,

Plaintiffs,

vs.

CENTRAL WASHINGTON ASPHALT, INC.,
DONALD HANNON, JAMES WENTLAND,
JERRY GOLDSMITH and DOES 1 through 25,
inclusive,

Defendants.

AND ALL RELATED MATTERS.

CASE NO. 2:11-cv-00142-APG-VCF

CONSOLIDATED WITH:
CASE NO. 2:12-cv-01435-APG-VCF

CONSOLIDATED WITH:
CASE NO. 2:12-cv-01475-APG-VCF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE
TO FILE MOTION FOR
SUBSTITUTION OF PARTY**

Defendants and Third-Party Plaintiffs Central Washington Asphalt ("CWA") and Donald Frank Hannon ("Hannon," together with CWA, the "CWA Parties") along with Third-Party Defendant and Counterclaimant Mitchell Forrest Zemke ("Mr. Zemke," together with CWA Parties, the "Stipulating Parties"), by and through their undersigned counsel, stipulate and agree that the Stipulating Parties shall have up to and including June 30, 2016 to file a motion for substitution of party, and state as follows:

1 1. The Stipulating Parties have pending claims against each other arising out of the
2 multi-vehicle accident that is the subject matter of this lawsuit. *See* Dkt. Nos. 44; 53; 332; 345.

3 2. Third-Party Defendant and Counterclaimant Mr. Zemke passed away on December
4 12, 2015 and a Statement Noting Counterclaimant Mitchell Zemke's Death [Dkt. #500] was filed
5 on February 26, 2016.

6 3. Pursuant to Federal Rule of Civil Procedure 25(a), the Stipulating Parties have until
7 May 31, 2016 to file a motion for substitution of parties to substitute the Estate of Mitchell Forrest
8 Zemke, by and through its personal representative, Kathryn Zemke (the "Estate") as the
9 counterclaimant and third-party defendant.

10 4. The Stipulating Parties seek to extend the May 31, 2016 deadline because the
11 Stipulating Parties have reached an agreement in principle to settle all claims by and against Mr.
12 Zemke, which would eliminate the need to substitute the Estate for Mr. Zemke, and the Stipulating
13 Parties are in the process of finalizing settlement terms and paperwork to resolve all issues and to
14 dismiss their pending claims against each other.

15 5. To facilitate the resolution of said claims and to conserve judicial resources, the
16 Stipulating Parties stipulate and agree that the Stipulating Parties shall have up to and including
17 June 30, 2016 to file a motion for substitution of party to substitute the Estate, by and through its
18 personal representative Kathryn Zemke, for Third-Party Defendant Mr. Zemke as a party to this
19 action.

20 HALL JAFFE & CLAYTON

O'CONNOR RUNCKEL & O'MALLEY

21 Dated this 27th day of May, 2016.

Dated this 27th day of May, 2016.

22 By: /s/ JASON R. WIGG

By: /s/ JASON O. RUNCKEL

23 Steven T. Jaffe, Esq.

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Jason R. Wigg, Esq.

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25 Nevada Bar No. 7953

and

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and

VON MAGDENKO & ASSOCIATES

26 Eric Kuwana, Esq. (Pro Hac)

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27 KATTEN MUCHIN ROSENMAN, LLP

Attorneys for Plaintiff Kathryn Zemke and

550 S. Tryon Street, Suite 2900

Counter-Claimant Mitchell Forrest Zemke

28 Charlotte, NC 28202-4213

Attorneys for The CWA Parties

IT IS SO ORDERED.

Dated: May 27, 2016

UNITED STATES DISTRICT JUDGE

1 ROGERS, MASTRANGELO, CARVALHO
& MITCHELL

2 Dated this 27th day of May, 2016.

3 By: /s/CHARLES A. MICHALEK

4 Stephen H. Rogers, Esq.

Nevada Bar No. 5755

5 Charles A. Michalek, Esq.

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6 300 S. Fourth Street, Suite 710

Las Vegas, NV 89101

7 *Attorneys for Third-Party Defendant Mitchell*

Forrest Zemke

8
9 **[PROPOSED] ORDER**

10
11 IT IS SO ORDERED.

12
13 UNITED STATES DISTRICT COURT
14 MAGISTRATE

15 Dated: _____